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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicants:	Tinku Acharya et al.	§	Art Unit:	2613
		§		
Serial No.:	09/722,988	§		
		§	Examiner:	Y. Young Lee
Filed:	November 27, 2000	§		
		§		
For:	Wavelet Coding of Video	§	Atty. Docket No.:	ITL.0514US (P9822)
		§		
Customer No.:	21906	§	Confirmation No.:	5871

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REPLY BRIEF

In response to the new positions taken by the Examiner's Answer, the following Reply

Brief if filed.

Claim 1 is set forth below:

1.   A method comprising:
providing (i) error data to indicate motion in an image;
determining a characteristic of the error data; and
(ii) <u>based on said characteristic,</u> determining whether to use said error data to
indicate motion in an image.

The cited reference under Section 102 to Van der Auwera fails to determine whether to

use error data to indicate motion in an image <u>based on said characteristic</u>. The rejection simply

reads the language based on said characteristic of the error data out of the claim.

At the bottom of page 3, the Examiner's Answer indicates that Van der Auwera

"discloses a method of determining a plurality of sets of error norms 70 to indicate motion in the

image." Thus, the error norms must be alleged by the Examiner to be the error data set forth in claim 1 because the claims call for "providing error data to indicate motion in an image." Then, the Examiner contends that, based on these norms' characteristics, [note that the word characteristics is nowhere used in the reference], the error data with the smallest error norm is used. The Examiner suggests that the determining step is based on these norms' characteristics, but, of course, the norms' characteristics are the so-called error norms, according to the Examiner, and the error norms, based on his reading of the claim, are also the error data. It makes no sense to argue that the error norms are used to determine whether to use those error norms. And no characteristic of the error norms is ever mentioned in the reference. More importantly, the reference never discusses determining whether or not to use the error norms.

Thus, the Examiner is contending that, based on the error norms, the error norms with the smallest error norms are selected. He suggests that this selection is accomplished by closed switches in Figure 11. However, if the switches in Figure 11 are never even explained in the specification of the cited reference. The entire description of Figure 11 is contained in column 6, lines 65, through column 7, line 28. There is nothing in there about the switches or using the switches to use the error norms or not. In fact, there is nothing in the reference that even suggests selecting the error data with the smallest norm. The things that the Examiner contends are the error norms, namely, the item 70, are actually a motion estimation circuit. The entire analysis is devoid of any rationale underpinnings.

Therefore, the rejection should be reversed. Regardless of whether the Appellants' Brief may or may not have made arguments which were adequately set forth in the claims, it is clear that there is nothing in the reference which can reasonably be interpreted to be determining whether to use error data based on a characteristic of that error data.

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Therefore, the rejection should be reversed.

Respectfully submitted,

Date: <u>July 30, 2004</u>

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